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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**FRESNO DIVISION**

CHERYL GAY HUIE VICKERY,

Plaintiff,

vs.

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

Defendant.

Civil No. 1:21-cv-0795-SKO

**STIPULATION TO VOLUNTARY  
REMAND PURSUANT TO SENTENCE  
FOUR OF 42 U.S.C. § 405(g) AND TO  
ENTRY OF JUDGMENT; ORDER**

(Doc. 27)

The parties, acting through their respective counsel, hereby stipulate that the above-captioned case be reversed and remanded to the Commissioner of Social Security for a de novo hearing. The Commissioner will direct the Administrative Law Judge to further develop the record issue a new decision. The ALJ will offer a supplemental hearing, if appropriate;

reevaluate the claimant's residual functional capacity; and as needed, obtain supplemental vocational evidence to reassess whether there are jobs in significant numbers that the claimant could still do. Plaintiff shall have the opportunity to submit new evidence.

The parties further ask the Court to specify in its order that the case is being remanded pursuant to sentence four of § 405(g), and to direct the Clerk to enter judgment in accordance with Fed. R. Civ. P. 58, consistent with the Supreme Court's decision in *Shalala v. Schaefer*, 509 U.S. 292, 296 302 (1993). The parties agree that reasonable attorney fees, expenses, and costs may be awarded under the Equal Access to Justice Act, 28 U.S.C. §§ 2412 and 1920, upon proper request to the Court.

Respectfully submitted this 12th day of January 2022.

DATED: July 12, 2022

PHILLIP A. TALBERT  
Acting United States Attorney

NICOLE JABAILY  
Acting Regional Chief Counsel, Region X  
Social Security Administration

s/ Frederick Fripps  
FREDERICK FRIPPS  
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Attorneys for Defendant

DATED: July 12, 2022

s/Frederick Fripps for  
DOLLY M TROMPETER  
Attorney for Plaintiff  
\*Authorized via e-mail on June 23, 2022\*

**ORDER**

Based on the parties' foregoing Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand") (Doc. 27), and for good cause shown, IT IS ORDERED that the above captioned action is remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the Stipulation to Remand.

The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant, vacating and reversing the final decision of the Commissioner. The Clerk shall also administratively close this file.

IT IS SO ORDERED.

Dated: July 12, 2022

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE